

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Michelle Tocolla Edwards,)	Civil Action No.: 1:19-cv-01282-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Andrew Saul,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rules 73.02(B)(2)(a) and 83.VII.02 (D.S.C.). *See* ECF No. 26. The Magistrate Judge recommends reversing and remanding the Commissioner’s final decision for further administrative proceedings. The Magistrate Judge further recommends that the Court reduce any attorney fees payable to Plaintiff’s counsel based on his flagrant disregard for deadlines in this and other cases.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court must conduct a de novo review of those portions of the R & R to which specific objections are made, and it may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the Commissioner filed a notice stating he would not be filing objections. *See* ECF No. 27. In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See*

Camby v. Davis, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 26]. Accordingly, pursuant to sentence four of 42 U.S.C. § 405(g), the Court **REVERSES AND REMANDS** the Commissioner’s final decision for further administrative proceedings consistent with the R & R. However, the Court will reduce any attorney fees payable to Plaintiff’s counsel based on his disregard for deadlines in this and other cases.

IT IS SO ORDERED.

Florence, South Carolina
May 1, 2020

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge